

**VIRGINIA BOARD OF PSYCHOLOGY  
UNAPPROVED MINUTES OF A FORMAL HEARING**

**CALL TO ORDER:** A panel of the Virginia Board of Psychology was called to order at 10:15 a.m., on July 8, 2008, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Boardroom 4, Richmond, Virginia.

**PRESIDING OFFICER:** Ann Tolbert Benson, Ed.S.

**MEMBERS PRESENT:** Jeffrey L. Clark, Ph.D.  
Robert S. Falk, Ph.D.  
Desideria S. Hacker, Ph.D.  
Nadia Kuley, Ph.D.  
Lorene Martin  
Sonia H. Price, Esq.  
Michael L. Stutts, Ph.D.

**OAG & STAFF PRESENT:** Howard M. Casway, Sr. Assistant Attorney General, Board Counsel  
Evelyn B. Brown, Executive Director, Board of Counseling  
Patricia L. Larimer, Deputy Executive Director, Board of Counseling  
Beverly Hutson-Bryan, Administrative Assistant

**COURT REPORTER:** Kurt D. Hruneni, Cavalier Reporting and Videography

**RESPONDENT** **David Sabatino, Ph.D.**  
License No.: 0813000286  
Case No.: 120070  
A formal hearing was held in the matter of David Sabatino, Ph.D. following the mandatory suspension of his license to practice as a school psychologist-limited on April 11, 2008, and to discuss allegations that he may have violated certain laws and regulations governing the practice of psychology in Virginia.

Dr. Sabatino appeared before a panel of the Board in accordance with a Notice of Formal Hearing and Statement of Particulars dated June 18, 2008. Dr. Sabatino was not represented by counsel.

James E. Schliessmann, Assistant Attorney General, prosecuted the case with the assistance of Peter Opper, Department of Health Professions, Adjudication Specialist.

The proceedings were recorded by a certified court reporter.

**CLOSED SESSION:** Upon a motion by Dr. Kuley and duly seconded by Dr. Clark, the Board voted 8 to 0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Dr. Sabatino. Additionally, she moved that Mr. Casway, Ms. Brown, Ms. Larimer and Ms. Hutson-Bryan attend the closed meeting.

**RECONVENE:** Dr. Kuley moved, and the Board voted 8 to 0, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

**DECISION:**

Upon a motion by Dr. Kuley and duly seconded by Dr. Falk, the Board voted 8 to 0 to accept the Findings of Fact and Conclusions of Law as presented by Mr. Schliessmann, amended by the Board and read by Mr. Casway.

Dr. Stutts moved that the Board deny Dr. Sabatino's petition for reinstatement and that his license be revoked. The motion was seconded and carried.

**ADJOURNMENT:**

The Board adjourned at 12:25 p.m.

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions and decision of this formal hearing panel.*

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Ann T. Benson, Ed.S., Chair

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Evelyn B. Brown, Executive Director

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Date

\_\_\_\_\_  
Date

Attachment 1  
Board of Psychology  
Formal Hearing  
July 8, 2008

David Sabatino, Ph.D.  
License No. 0813000286  
Case No. 120070

Findings of Fact:

1. The license of David Sabatino to practice as a school psychologist-limited in Virginia was issued on March 21, 2008.
2. Dr. Sabatino's license was mandatorily suspended by the Department of Health Professions on April 11, 2008, pursuant to § 54.1-2409 of the Code, based upon the permanent revocation of his psychologist license in Tennessee on November 3, 2004.
3. In completing his application for licensure in Virginia as a school psychologist-limited, which was received by the Board on February 11, 2008:
  - a. Dr. Sabatino failed to inform the Board that he had been licensed to practice psychology in Tennessee and that his Tennessee license had been revoked.
  - b. Dr. Sabatino checked "no" to the question: "Have you ever had any disciplinary action taken against an occupational license to practice. . . ?" when, in fact, his license to practice psychology had been revoked in Tennessee.
4. Dr. Sabatino testified at the formal administrative hearing that he was sorry for not completing the application for licensure accurately and that he had no real excuse other than he believed it was "ancient history" and he did not wish to relive the Tennessee proceedings against his Tennessee license. Dr. Sabatino produced no evidence of any efforts on his part at remediation to assure the Board of his ability to practice psychology safely and ethically.

Conclusions of Law: The Board concludes that Finding of Fact No. 3 constitutes a violation of 18 VAC 125-20-160(2) of the Regulations Governing the Practice of Psychology.

Decision: The application of David Sabatino, Ph.D., for reinstatement of his license to practice psychology in the Commonwealth of Virginia is hereby DENIED.

License No. 0813-000286 issued to David Sabatino, Ph.D., to practice psychology in the Commonwealth of Virginia is hereby REVOKED.

